

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456
Master File No. 1:01-CV-12257-PBS
Sub-Category Case No. 1:08-CV-11200

THIS DOCUMENT RELATES TO:
*United States ex rel. Linnette Sun and Greg
 Hamilton, Relators*
 v.
Baxter Healthcare Corporation

Judge Patti B. Saris

**BAXTER HEALTHCARE CORPORATION’S UNOPPOSED MOTION FOR LEAVE TO
FILE A MEMORANDUM IN EXCESS OF PAGE LIMITATION**

Baxter Healthcare Corporation (“Baxter”) respectfully requests leave to file a memorandum in support of its Motion for Partial Summary Judgment in excess of the page limitation imposed by District of Massachusetts Local Rule 7.1(b)(4). This case presents at least three separate grounds justifying summary dismissal of the remaining False Claims Act claims in Relators’ Complaint. Baxter’s brief exceeds the 20-page limit in Local Rule 7.1(b)(4) by less than four full pages. Counsel for Baxter conferred with counsel for Relators prior to filing this motion and Relators are unopposed to Baxter exceeding the page limitations.

Based on the foregoing, Baxter respectfully requests that the Court grant leave to exceed the page limit.

Respectfully submitted,

<p>Dated: October 19, 2011</p>	<p><u>/s/ Shamir Patel</u> J. Andrew Jackson Merle M. DeLancey Shamir Patel DICKSTEIN SHAPIRO LLP 1825 Eye Street NW Washington, DC 20006 Telephone: (202) 420-2200 Facsimile: (202) 420-2201 <i>Admitted pro hac vice</i></p> <p>Peter E. Gelhaar (BBO #188310) DONNELLY, CONROY & GELHAAR, LLP One Beacon Street, 33rd Floor Boston, MA 02108 Telephone: (617) 720-2880 Facsimile: (617) 720-3554</p> <p>Counsel for Defendant Baxter Healthcare Corporation</p>
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CERTIFICATION PURSUANT TO LOCAL RULE 7.1(a)(2)

I certify that the moving party has communicated with counsel for Relators in an effort to resolve the dispute referred to in this Motion, and Relators do not oppose this motion.

/s/ Shamir Patel
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CERTIFICATE OF SERVICE

I hereby certify that I, Shamir Patel, an attorney, caused a true and correct copy of the foregoing, Baxter Healthcare Corporation's Motion For Leave To File Memorandum In Excess Of Page Limit, to be delivered to all counsel of record by electronic service via LexisNexis File & Serve, on October 19, 2011, for posting and notification to all parties.

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